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10 UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF WASHINGTON

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 RONALD CRAIG ILG, (a/k/a/ Scar215),

16 Defendant.

Case No.: 2:21-MJ-00213-JTR-1

United States' Unopposed Motion
for Protective Order

Without Oral Argument
April 30, 2021 – 6:30 p.m.

17
18 Plaintiff, United States of America, by and through Joseph H. Harrington,
19 Acting United States Attorney for the Eastern District of Washington, and Richard
20 R. Barker and James A. Goeke, Assistant United States Attorneys for the Eastern
21 District of Washington, pursuant to Rule 16(d)(1) of the Federal Rules of Criminal
22 Procedure, moves for a Protective Order for appropriate protections against
23 dissemination of the discovery materials and the sensitive information contained
24 herein, disclosed in the above-captioned matter.
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Motion for Protective Order- 1

1 The information addressed by this motion involves sensitive personal
2 identifiers contained in the discovery in this case. Such information may include,
3 for example, social security numbers, driver's license and identification
4 information, dates of birth, birth places, addresses, phone numbers, e-mail
5 addresses, personal photographs, cooperating witness information, identifying
6 information pertaining to minor witnesses, and additional sensitive personal
7 identifiers and information. The protections sought by the United States will not
8 impede the Defendant's ability to prepare a defense, but merely will protect against
9 the improper dissemination and use of the sensitive information.
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13 The discovery in the instant case also includes medical records of the
14 putative victim as well as personal identifying information of potential eye and ear
15 witnesses. To protect the Protected Information and to provide full discovery
16 disclosures to the Defendants as expeditiously as possible, the United States
17 proposes that the following restrictions be placed on sensitive information:
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21 1. Defense Counsel shall not share or provide any discovery items
22 produced by the United States in this case with anyone other than designated
23 Defense Counsel and his defense investigators, retained expert witnesses, and
24 support staff. Defense Counsel may permit their defendants to view unredacted
25 discovery items in the presence of Defense Counsel and their defense investigators
26 and support staff. Defense Counsel personally, or through Defense Counsel's
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1 investigators and support staff, may show unredacted discovery items to witnesses
2 in regard to items or events about which a witness may have personal knowledge.

3 Defense Counsel and his investigators and support staff shall not allow the
4 Defendant or witnesses to copy Protected Information contained in the discovery.
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6 2. The discovery and information therein may be used only in
7 connection with the litigation of this case and for no other purpose. The discovery
8 is now and will forever remain the property of the United States. At the conclusion
9 of the case, Defense Counsel will return the discovery to the United States, will
10 certify that it has been shredded, or, if the materials are still needed, will store it in
11 a secure place and not disclose it to third parties. If the assigned Defense Counsel
12 is relieved or substituted from the case, Defense Counsel will return the discovery
13 to the United States or certify that it has been shredded.
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16 3. Defense Counsel shall store the discovery in a secure place and will
17 use reasonable care to ensure that it is not disclosed to third persons contrary to the
18 Protective Order.
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21 4. Defense Counsel shall be responsible for advising their
22 client/Defendant, employees, witnesses, and other members of the defense team of
23 the contents of the Protective Order.
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26 5. The Protective Order shall also apply to any new Defense Counsel
27 that may later become counsel of record in this case.
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ANALYSIS & MEMORANDUM OF LAW

A trial court “can and should, where appropriate, place a defendant and his counsel under enforceable orders against unwarranted disclosure of the material which they may be entitled to inspect.” *Alderman v. United States*, 394 U.S. 165, 185 (1969). In fact, Federal Rule of Criminal Procedure 16(d)(1) permits a court to deny, restrict, or defer pre-trial discovery when a party can demonstrate the need for these types of actions. Fed. R. Crim. Proc. 16(d)(1); *see also United States v. El-Mezain*, 664 F.3d 467, 519 (5th Cir. 2011). The United States does not seek to delay, deny, or restrict the disclosure of information required by the Federal Rules of Criminal Procedure. Instead, the United States only seeks to facilitate discovery disclosure, while protecting against the improper disclosure or use of any Protected Information. The attached proposed Protective Order would have no effect on Defendant’s ability to prepare a defense and would properly protect sensitive personal, financial, and business information and identifiers of Defendants and third parties.

“Discovery, whether civil or criminal, is essentially a private process because the litigants and the courts assume that the sole purpose of discovery is to assist trial preparation. That is why parties regularly agree, and courts often order, that discovery information will remain private.” *United States v. Anderson*, 799 F.2d 1438, 1441 (11th Cir. 1986). It is entirely appropriate for any protective order to

1 strictly advise the parties that the purpose of discovery is trial preparation and that
2 sensitive information provided pursuant to the order is to be used only for that
3 purpose. *See United States v. Salemme*, 978 F. Supp. 386, 390 (D. Mass. 1997)
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5 (requiring government to make certain disclosures and ordering that those
6 disclosures be used “solely for the purpose of litigating matters in this case”).
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8 **NECESSITY OF EXPEDITED HEARING**

9 The United States hereby seeks to expedite the hearing on the instant motion
10 and proposed protective order without oral argument. So the United States can
11
12 timely provide discovery in this matter, an expedited hearing is appropriate.
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14 WHEREFORE the United States moves that this Court issue the proposed
15 Protective Order without undue delay. Defense counsel informed the Government
16 that they do not oppose this motion.
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18 Dated: April 30, 2021.

19 Joseph H. Harrington
20 Acting United States Attorney

21 s/ Richard R. Barker
22 Richard R. Barker
23 Assistant United States Attorney
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CERTIFICATE OF SERVICE

I hereby certify that on April 30, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. Notification of such filing will be e-mailed to counsel of record.

s/Richard R. Barker

Richard R. Barker

Assistant United States Attorney